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13 OCT 2000

11 October 2000

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Your Ref : P1442/15947 RSC:KS

Examiner's first report on patent application no. 63116/98
by SHISEIDO COMPANY LTD.

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the verified translation. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. The application is not for one invention only because the claims are not so linked as to form a single inventive concept. The independent claims each define known compositions, and cannot be seen to share a common novel special technical feature.
2. The description does not fully describe the invention because it is not clear what features define the broadest form of the invention. As indicated in the previous paragraph, the independent claims, which correspond to the various supposed statements of the invention in the description, are not so linked as to form a single inventive concept, and are furthermore known. It would appear that the application is largely directed to a theory concerning the mechanism by which the ingredients function in use, but this realisation fails to add invention to the known composition, or their known uses.
3. Pending the resolution of the above matters all opinion on the fair basis of the claims is reserved, and a search has been carried out only insofar as to provide a general overview of the related art. However, it is evident that there are a large number, probably hundreds, of disclosures of the various active ingredients used in compositions for skin treatment that would anticipate the composition claims of the instant application. These documents indicate that the various active ingredients are well known in dealing with immunosuppression in many medical applications, but the following are noted in dealing specifically with UV exposure to skin:
 - a) DE 2932923 A (HELENA RUBENSTEIN INC) published 19 February 1981,
 - b) JP 59-157009 A (YAKURIGAKU CHUOU KE) published 6 September 1981,

- c) DE 3506881 A (RODISMA PHARM. PROD.) published 28 August 1986,
- d) JP 61-194029 A (POLA KASEI KOGYO KK) published 28 August 1986,
- f) FR 2608425 A (ROFSA CERD) published 24 June 1988,
- g) WO 90/000894 A (LAB SEROBIOLOGIQUES SA) published 8 February 1990,
- h) FE 2651132 A (PACIFIC CHEM. CO. LTD.) published 1 March 1991,
- i) DE 4129331 A (VISUVIA CHEM-PHARM. ERZEUGNISSE GMBH) published 11 March 1993,
- j) JP 5-306231 A (POLA CHEM IND. INC.) published 19 November 1993
- k) JP 6-107532 A (KAO CORPORATION) published 19 April 1994, and
- l) JP 6-145034 A (POLA CHEM IND. INC.) published 24 May 1994.

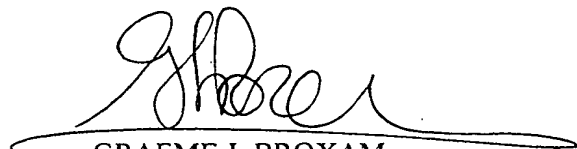
Derwent Abstracts of the above documents are enclosed for your convenience.

Attention is also drawn to the documents raised in the ISR that constitute citations of similar merit.

I apologise on the behalf of IPAustralia for your application not being considered within the time set out in our Customer Service Charter. Currently the time between request and examination for most work in this technology is beyond that set out in the charter. We are refining our processes and reviewing our work distribution to address these delays.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse. You will need to pay a fee for any response you file after 12 months from the date of this report before I can consider that response.

Yours faithfully,



GRAEME J. BROXAM
Examiner of Patents, Section B2
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